

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7135**  
**BILL NUMBER:** HB 1275

**NOTE PREPARED:** Dec 30, 2002  
**BILL AMENDED:**

**SUBJECT:** Vanderburgh County Small Claims Court.

**FIRST AUTHOR:** Rep. Weinzapfel  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill increases the maximum jurisdictional limit of the Vanderburgh County small claims court from \$3,000 to \$5,000.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** The change in threshold from \$3,000 to \$5,000 will reduce revenue to the state General Fund if these actions are filed as small claims cases instead of civil plenary cases. The state General Fund would lose \$45.50 for each case filed in the small claims docket and not in the civil docket.

Comparing the Cost of Filing Fees for Civil and Small Claims Cases			
<u>Filing Fee for A:</u>	<u>Fee Amount</u>	<u>State Share</u>	<u>Local Share</u>
Civil Case	\$100.00	\$70.00	\$30.00
Small Claims Case	<u>\$35.00</u>	<u>\$24.50</u>	<u>\$10.50</u>
<b>Difference</b>	<b><u>\$65.00</u></b>	<b><u>\$45.50</u></b>	<b><u>\$19.50</u></b>

The number of civil plenary cases with claims between \$3,000 and \$5,000 is not known, consequently the potential revenue loss is indeterminable.

**Explanation of Local Expenditures:** Litigants in small claims cases are often not represented by attorneys and do not understand court procedures. Courts with small claims jurisdictions require considerable staff resources. Consequently, many courts have several staff people assigned to help litigants with filing claims, giving directions, and answering telephone calls. If the small claims caseload increases, courts with small claims jurisdictions may need to either increase staff or reassign staff from other court functions to accommodate the increased number of litigants.

The number of filings for civil plenary, civil tort and small claims cases between CY 1997 and 2001 is shown in the following table.

<b><u>Calendar Year</u></b>	<b><u>1997</u></b>	<b><u>1998</u></b>	<b><u>1999</u></b>	<b><u>2000</u></b>	<b><u>2001</u></b>
Civil Plenary Filings	2,617	2,498	2,549	2,532	2,613
Civil Tort Filings	366	339	370	355	367
Small Claims Filings	11,323	10,636	10,246	9,782	10,890
<i>Note: Civil plenary filings include cases founded in contract, actions dealing with real and personal property, and actions seeking equitable or injunctive relief.</i>					

**Explanation of Local Revenues:** Vanderburgh County's general fund would experience a loss of \$19.50 for each case filed in the small claims docket and not in the civil docket. (See table in *Explanation of State Revenues.*)

**State Agencies Affected:**

**Local Agencies Affected:** Vanderburgh Superior Courts.

**Information Sources:** *Indiana Judicial Reports*, 1997 through 2001, Judge Robert Tornatta.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852